

Amendments to House Bill No. 534
3rd Reading Copy

Requested by Senator Jim Shockley

For the Senate Judiciary Committee

Prepared by Jeremy Gersovitz
March 24, 2009 (6:04pm)

1. Page 2, line 5 through line 6.

Strike: "OFFICE, OR OTHER STRUCTURE IN THIS STATE WHERE PERSONS
ARE HELD"

Insert: "or other place where persons are questioned"

2. Page 2, line 12.

Strike: "4"

Insert: "5"

3. Page 3, line 10.

Insert: "NEW SECTION. Section 4. Admission of unrecorded
statements. A judge shall admit otherwise inadmissible evidence
in a criminal or youth court proceeding brought against the
person if the judge finds by a preponderance of the evidence
that:

(1) the statements are proven to have been made voluntarily
and are reliable; or

(2) it is proven that one or more of the following
circumstances existed at the time of the custodial interrogation:

(a) the questions put forth by law enforcement personnel and
the person's responsive statements were part of the routine
processing or booking of the person;

(b) before or during a custodial interrogation, the person
unambiguously declared that the person would only respond to the
law enforcement officer's questions if the person's statements
were not electronically recorded;

(c) the failure to electronically record an interrogation in
its entirety was the result of unforeseeable equipment failure
and obtaining replacement equipment was not practicable; or

(d) exigent circumstances existed that prevented the making
of an electronic recording of the custodial interrogation."

Renumber: subsequent sections

4. Page 4, line 27.

Strike: "AFTER HAVING CONSULTED WITH THE PERSON'S LAWYER OR
AFTER"

5. Page 4, line 8.

Strike: "4"

Insert: "5"

6. Page 4, line 13 through page 4, line 23.

Strike: section 6 in its entirety

Renumber: subsequent sections

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